

CHAPTER NO. 365

HOUSE BILL NO. 171

By Representative Scroggs

Substituted for: Senate Bill No. 378

By Senator Person

AN ACT to amend Chapter 772 of the Public Acts of 1982, as amended by Chapter 34 of the Public Acts of 1983, as amended by Chapter 35 of the Public Acts of 1983, as amended by Chapter 170 of the Public Acts of 1983, as amended by Chapter 875 of the Public Acts of 1990, as amended by Chapter 426 of the Public Acts of 1991, relative to the number of divisions and judges created by the "General Sessions Criminal Court Act of 1981."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 772 of the Tennessee Public Acts of 1982, as amended, is further amended by adding the following to the end of Section 2:

There is created an additional division to the General Sessions Court of any county to which this act applies. The additional division shall have the same terms of court, the jurisdiction and powers as are now exercised by the General Sessions Court of Shelby County. The additional division shall hold court in the county seat and the county shall defray the expenses thereof from the county general fund.

The General Sessions Criminal Court judges shall, by majority vote, designate one (1) division of the court as a drug court for the primary purpose of monitoring treatment of drug and alcohol abusers. Any misdemeanors involving illegal possession of drugs or drug paraphernalia may be assigned to the designated drug court along with related misdemeanors involving the same defendant. Those defendants charged with felony drug offenses shall have their General Sessions Court appearances in the designated drug court.

On recommendation of the District Attorney General, any defendant charged with any such misdemeanor that does not involve violence or physical injury to a victim or victims may be referred for evaluation and assessment of drug and alcohol abuse. If the evaluation indicates drug or alcohol abuse and defendant is assessed to be a good candidate for treatment for drug and alcohol abuse, the judge of the designated drug court may assign the defendant to a treatment program.

Drug or alcohol abuse is defined as use of a controlled substance, alcohol or drug with addictive potential to the extent that the user has lost the ability of self-control or to the extent that the health, safety or welfare of the user or that of others is substantially impaired or endangered.

The office, powers, duties, and responsibilities of the clerk of the General Sessions Court shall be enlarged to include the work of the additional division, and the clerk, or his designee, shall attend the additional division when it is in session.

The District Attorney General shall appoint three (3) assistants to serve the additional division of the General Sessions Court and the cost of such positions shall be paid solely from local funds. No state funds shall be expended to fund such positions or related expenses. Such assistants shall serve at the pleasure of the District Attorney General. There shall be no increase in the amount of the state grant for public defenders to implement the provisions of this act. Compensation of such assistants shall be determined by the mayor of the county with the approval of the County Board of Commissioners. Compensation of such assistants shall be paid from the general fund of the county in such periodic installments as shall be fixed by the County Board of Commissioners.

SECTION 2. Chapter 772 of the Tennessee Public Acts of 1982, as amended, is further amended by adding the following to the end of Section 8:

The office of General Sessions Judge of the additional division is created. The first judge of the additional division of the General Sessions Court of any county to which this act applies shall be elected by the Board of Commissioners of the county. At the regular August election in 2000, some person, qualified by law, shall be elected judge of the additional division, shall take office on September 1, 2000, and shall hold office until September 1, 2006. Notwithstanding the provisions of any law to the contrary, the person elected by the board of commissioners of the county to serve as interim judge of such additional division shall be ineligible to seek election to the office of general sessions judge of such additional division at the regular August election in 2000. At the regular August election in 2006, some person, qualified by law, shall be elected judge of the additional division for a full term of eight (8) years and thereafter the office shall be filled at the same time, for the same term, and in the same manner as the other divisions of the General Sessions Court of the county. The judge of such additional division shall exercise all of the powers and receive the same compensation as do the other General Sessions Judges of the county. The judge of the additional division shall devote all of his working time to the duties of his office and shall not engage in the practice of law during the tenure of his office.

SECTION 3. Chapter 772 of the Tennessee Public Acts of 1982, as amended, is further amended by adding the following as a new, appropriately designated section:

Section _____. The additional division of General Sessions Court created by Section 2 of this act and the additional General Sessions Judge established by Section 8 of Chapter 772, as amended, shall expire on September 1, 2006, unless affirmatively extended for a period of time by a two-thirds (2/3) vote of the County Legislative Body. Upon any expiration, the General Sessions Criminal Court Judges shall no longer be required to designate one (1) division as a drug court as required by this act.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the County Legislative Body of any county to which it applies. Its approval or nonapproval shall be proclaimed by the presiding officer of and certified to the Secretary of State.

SECTION 5. The provisions of this act shall be repealed if local funding to implement the provisions of this act is inadequate to fund its implementation.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or

applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 4.

PASSED: May 25, 1999



JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 14th day of June 1999



DON SINKQUIST, GOVERNOR